

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF GEORGIA**  
**SAVANNAH DIVISION**

LEONARD P. MACHULAS, )  
                          )  
Plaintiff,             )  
                          )  
v.                      )  
                          )                          Case No. CV415-317  
SUPREME COURT OF GEORGIA; )  
THERESA BARNES,        )  
                          )  
Defendant.             )

**REPORT AND RECOMMENDATION**

Continuing his stream of facially frivolous cases, *see, e.g., Machulas v. Lanier*, CV413-248, doc. 1 (S.D. Ga. Nov. 18, 2013) (alleging an invasion of privacy from his wife's filings in their state court divorce case), Leonard Machulas brought this "civil rights" action against the Georgia Supreme Court and its clerk. Doc. 1. After this Court denied his motion for leave to proceed *in forma pauperis*, doc. 3, he paid the \$400 filing fee but sought no summonses for Fed. R. Civ. P. 4 service. Nor, apparently, did he make any effort to effectuate service upon the defendants within the 120 days that Rule 4(m) demands.<sup>1</sup> The Court

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<sup>1</sup> Under Fed. R. Civ. P. 6(a)(1)(A), the first day (November 30, 2015, the day he filed his Complaint, doc. 1) is excluded from the 120-day period (now 90 days, per

thus directed him to, by April 28, 2016, show why his case should not be dismissed for violating Rule 4(m). Doc. 4 at 2. He has failed to comply. Accordingly, his Complaint should be **DISMISSED WITHOUT PREJUDICE.**

**SO REPORTED AND RECOMMENDED**, this 9th day of May, 2016.



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UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA

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December 1, 2015 amendment to Rule 4(m)), which placed Machulas at Wednesday, March 30, 2016, as his Rule 4(m) deadline. He has not met it.